UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.25
6 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Elements for the Earth Charter

Proposal submitted by Portugal on behalf of the States members of the European Community

Elements for the Earth Charter

1. Common but differentiated responsibility

All States and peoples share a common but differentiated responsibility to protect the global environment and, to this end, shall cooperate on the basis of a global partnership reflecting equitable burden sharing between developed and developing countries.

2. Promotion of sustainable development

In order to ensure sustainable development in all countries, environmental considerations shall be integrated into the formulation of policies and into decision-making processes at local, national and international levels.

3. Poverty, consumption patterns, population growth

All States and peoples shall combat poverty, eliminate or avoid unsustainable patterns of production and consumption and formulate and promote population policies compatible with sustainable development.

4. Environmental legislation and economic instruments

States shall enact and implement effective environmental legislation and make full use of economic instruments. Measures of environmental protection shall be coordinated internationally, where possible.

5. "Polluter pays" principle

The polluter shall bear the expenses of carrying out the necessary pollution prevention and control measures introduced by public authorities to protect the environment. States shall endeavour to ensure that markets in products, services and natural resources reflect environmental costs.

6. Precautionary principle

Environmental measures must anticipate, prevent and attack the causes of environmental degradation, and where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

7. Environmental impact assessment

For any proposed activity or any proposed substantial change in an activity that is likely to have a significant adverse impact on the environment and is subject to a decision of a competent authority, an environmental impact assessment shall be undertaken.

As part of an environmental impact assessment, the public shall be provided with information in due time about any proposed activity, for examination and comment.

8. Participation of the public

Consistent with national laws that protect major public interests, the public shall have access to information held by national authorities that is relevant to the environment, including information on products and activities that have, or are likely to have, a significant adverse impact on the environment, and information on environmental protection measures.

The views of the public shall be taken into account in government decision-making processes related to environment and development. Competent authorities shall facilitate and encourage public participation, inter alia, by making information widely available and by receiving public views.

In particular, States, recognizing the special relationship of indigenous peoples to their environment, shall take special measures to safeguard the environment of indigenous peoples and to ensure that they are consulted at all levels of decision-making in matters pertaining to their environment, and shall acknowledge that those peoples can decide their own priorities for the process of development.

9. Notification and consultation

States shall provide prior and timely notification and relevant information to other concerned States on activities that may have a significant international or transboundary effect and shall consult with those other States at an early stage and in good faith.

States shall immediately notify other States of any emergency situation that might produce sudden harmful effects on the environment of those other States.

10. Remedies and compensation

States shall provide effective remedies to prevent significant environmental harm and secure prompt and adequate compensation for damage.

11. International environmental disputes

States shall provide adequate mechanisms for prevention and settlement of international environmental disputes.

12. Environmental security

States shall commit themselves to ensuring environmental security by giving special attention to the environmental risks that threaten the survival of humankind or of the Earth as a whole.

13. Cooperation

All States and peoples shall cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in the present Charter.